

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
 )  
 )  
 )  
v. )      Criminal No. 3:10-00163  
 )      Judge Trauger  
[10] DESHAUNE JONES )  
 )

**ORDER**

The Defendant's Motion For Clarification of Sentence (Docket No. 1979) is **GRANTED**.

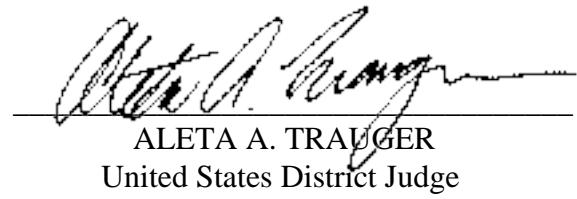
The court sentenced the defendant to 120 months of custody in the Bureau of Prisons, which was a substantial variance downward from the advisory guideline range of 188-235 months. The court did not state that this time was to run concurrent with any state time, and the court did not intend that it do so.

The record reflects that the defendant was "arrested" on June 30, 2010 by federal authorities while he was in state custody serving a probation violation sentence in Davidson County criminal case number 2009-I-42. The defendant was "borrowed" on a writ from the state and presumably received credit toward the state time he was serving from June 30, 2010 until he was sentenced by this court on May 25, 2012. This court in no way provided that he would also be receiving federal credit for that same period of time.

"[T]he power to grant credit for time served lies solely with the Attorney General and the Bureau of Prisons." *United States v. Crozier*, 259 F.3d 503, 520 (6th Cir. 2001) (citing 18 U.S.C. § 3585(b) and *United States v. Wilson*, 503 U.S. 329, 333 (1992)). Therefore, this court lacks the authority to grant the defendant any relief.

It is so **ORDERED**.

Enter this 2nd day of October 2013.



Aleta A. Trauger

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ALETA A. TRAUGER  
United States District Judge